

City Council Introduction: **Monday**, August 12, 2002
Public Hearing: **Monday**, August 19, 2002, at **1:30 p.m.**

Bill No. 02R-173

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1980**, requested by Teri Ernisse of Ernisse Investments, for authority to sell alcoholic beverages for consumption on and off the premises, on property located at 1400 Saltillo Road.

STAFF RECOMMENDATION: Conditional approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 7/24/02
Administrative Action: 7/24/02

RECOMMENDATION: Conditional approval (9-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand, Duvall, Krieser and Taylor voting 'yes').

FINDINGS OF FACT:

1. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on p.3-5, concluding that the request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption on and off the premises and is an appropriate land use at this location.
2. On July 24, 2002, this application was placed on the Consent Agenda of the Planning Commission and opened for public hearing. No one came forward to speak.
3. The Planning Commission agreed with the staff recommendation.
4. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: August 5, 2002

REVIEWED BY: _____

DATE: August 5, 2002

REFERENCE NUMBER: FS\CC\2002\SP.1980

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Special Permit #1980

DATE: July 9, 2002

PROPOSAL: A special permit to allow the sale of alcoholic beverages for consumption on and off the premises.

LAND AREA: Approximately 3.37 acres.

CONCLUSION: This request complies with the requirements of the Zoning Ordinance for the sale of alcohol for consumption on and off the premises and is an appropriate land use at this location.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION: See attached.

LOCATION: 1400 Saltillo Road

APPLICANT: Chace Ent., Inc. - Silver Spoke Saloon
1031 M Street
Lincoln, NE 68508 (402) 477-2591

OWNER: Terry and Teri Ernisse
Ernisse Investments
1031 M Street
Lincoln, NE 68508 (402) 477-2591

CONTACT: Teri Ernisse
1031 M Street
Lincoln, NE 68508 (402) 477-2591

EXISTING ZONING: H-3 Highway Commercial District

EXISTING LAND USE: A vacant building formerly used as a restaurant.

SURROUNDING LAND USE AND ZONING:

North:	Vacant, Bulk Fuel Terminal	I-1
South:	Bulk Fuel Terminal	I-1
East:	Vacant (Crop Production)	I-1
West:	Service Station	H-3

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan designates commercial and industrial land use in this area.

TOPOGRAPHY: The land is flat across this site.

ANALYSIS:

OVERVIEW: This site is the triangular-shaped parcel formed by the Y-intersection of South 14th Street and Saltillo Road. The applicant has purchased the property with the intent of using the existing building for a bar/restaurant with both on and off-sale alcohol. This special permit request is to allow the sale of alcoholic beverages for consumption both on and off the premises. The proposed site is outside Lincoln's city limit but within the City's three mile extra-territorial jurisdiction. As a result, the special permit will be considered by the Planning Commission and City Council, but the liquor license will be considered by the County Board.

1. SPECIAL PERMIT REQUIREMENTS PER LMC 27.63.680 and 27.63.685: Alcoholic beverages may be sold for consumption on the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, I-2 and I-3 zoning districts and may be sold for consumption off the premises in the B-1, B-3, H-1, H-2, H-3, H-4, I-1, and I-3 zoning districts upon the approval of a special permit. A special permit for such use may be granted subject to the requirements of the respective districts, all applicable ordinances, and the following conditions, which can be waived by the City Council:

(a) Parking shall be in accordance with Section 27.67.020 of the Lincoln Municipal Code.

Currently, the parking lot is graveled and must be paved to meet current standards. The applicant has stated the intent is to pave the lot, dimensioned consistent with what is shown on the site plan. However, an indication that the lot will be paved is not included on the site plan, and it should be revised to show this.

(b) The sale of alcoholic beverages for consumption on or off the premises shall not be permitted without issuance of a permit under Section 27.63.680 and 27.63.685 of this code.

This application is for a special permit to allow for sales of alcohol for consumption both on and off the premises, and must be approved before either type of sale is authorized.

(c) The licensed premises of any building approved for such activity must be located no closer than 100 feet from a day care facility, a residential district or residential use, or, if a lesser distance, must mitigate any adverse effects of the reduction in distance through landscaping, screening, or other methods approved by the Planning Director.

There are no day care facilities, residences or residential districts within 100' of the premises.

(d) Any lighting on the property shall be designed and erected in accordance with all applicable lighting regulations and requirements.

Any new lighting will be required to comply with the Design Standards for parking lot lighting (Design Standards Chapter 3.45, Section 3.8).

(e) Vehicle stacking for a drive-through window used as any part of the permitted business operation shall not be located in any required building setback from a residential district.

A drive-through window is not shown as part of this application.

(f) The use shall not have any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers within 150 feet of any residential district. This shall not apply to sound sources audible only to the individual to whom they are directed, such as personal pagers, beepers, or telephones.

The application does not indicate the use of any amplified outside sound or noise source, including bells, buzzers, pagers, microphones, or speakers.

(g) No access door to the business, including loading or unloading doors, shall face any residential district if such doors are within 150 feet of the residential district. This shall not apply to emergency exit doors required by building or safety codes. No door facing a residential district shall be kept open during the operation of the establishment.

The front door does not face a residential district.

(h) Vehicular ingress and egress to and from the property shall be designed to avoid, to the fullest extent possible as determined by the City Council, disruption of any residential district. Particular attention shall be given to avoiding designs that encourage use of residential streets for access to the site instead of major streets.

Driveway access to the site is provided off both South 14th Street and Saltillo Road, and there are no residential streets in this area.

(i) All other regulatory requirements for liquor sales shall apply, including licensing by the state.

(j) The City Council may consider any of the following as cause to revoke the special permit approved under these regulations:

(1) Revocation or cancellation of the liquor license for the specially permitted premises; or

(2) Repeated violations related to the operation of the permittee's business.

Planning Commission review and City Council approval is required for this use.

2. POLICE RESPONSE: The Police Department has no objection to this special permit request. However, it should be noted that because this application is not within Lincoln's City limit, it is outside the Police Department's jurisdiction and is subject to review by the County Sheriff.

3. PUBLIC WORKS RESPONSE: The Public Works and Utilities Department has no objection to this special permit request.

4. COUNTY SHERIFF RESPONSE: It was noted during the review of this application that the site is subject to review by the County Sheriff. As result, this application has been forwarded to the County Sheriff's Department for review. The results of that review will be forwarded when received.

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

1.1 Revise the site plan to indicate the parking lot is to be paved.

2. This approval permits the sale of alcohol for consumption on and off the premises from the bar/restaurant as shown on the site plan.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised final plan with 5 copies.

3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.2 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.3 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will
Planner

SPECIAL PERMIT NO. 1980

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

July 24, 2002

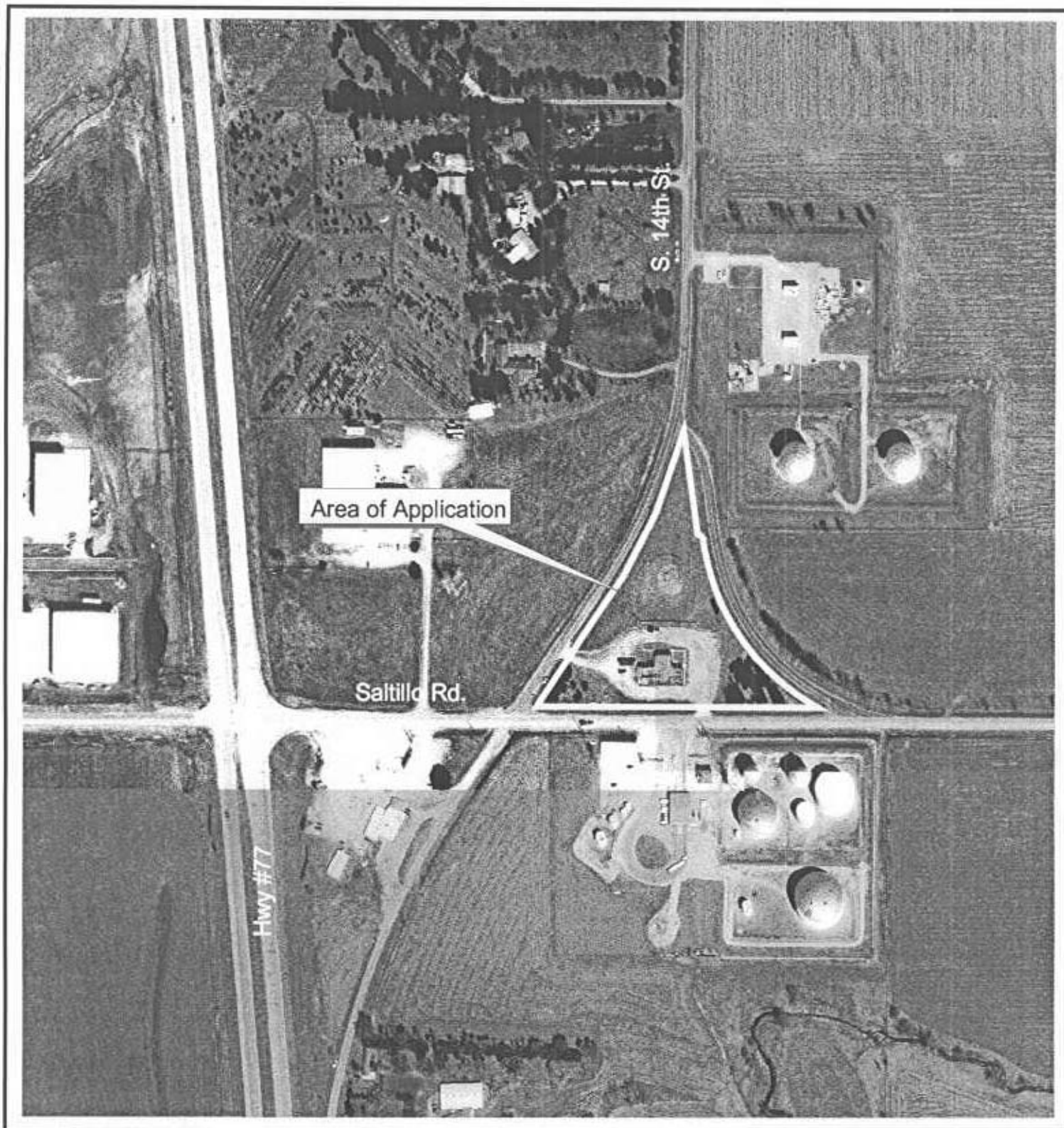
Members present: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 450N; SPECIAL PERMIT NO. 1979; SPECIAL PERMIT NO. 1980; FINAL PLAT NO. 02021, THE PRESERVE ON ANTELOPE CREEK 1ST ADDITION; FINAL PLAT NO. 02022, ASHLEY HEIGHTS 1ST ADDITION; WAIVER OF DESIGN STANDARDS NO. 02011; and STREET AND ALLEY VACATION NO. 02008.**

Item No. 1.1, Special Permit No. 450N; Item No. 1.2, Special Permit No. 1979; Item No. 1.5, Final Plat No. 02022; and Item No. 1.6, Waiver of Design Standards No. 02011, were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Carlson, Duvall, Krieser, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'.

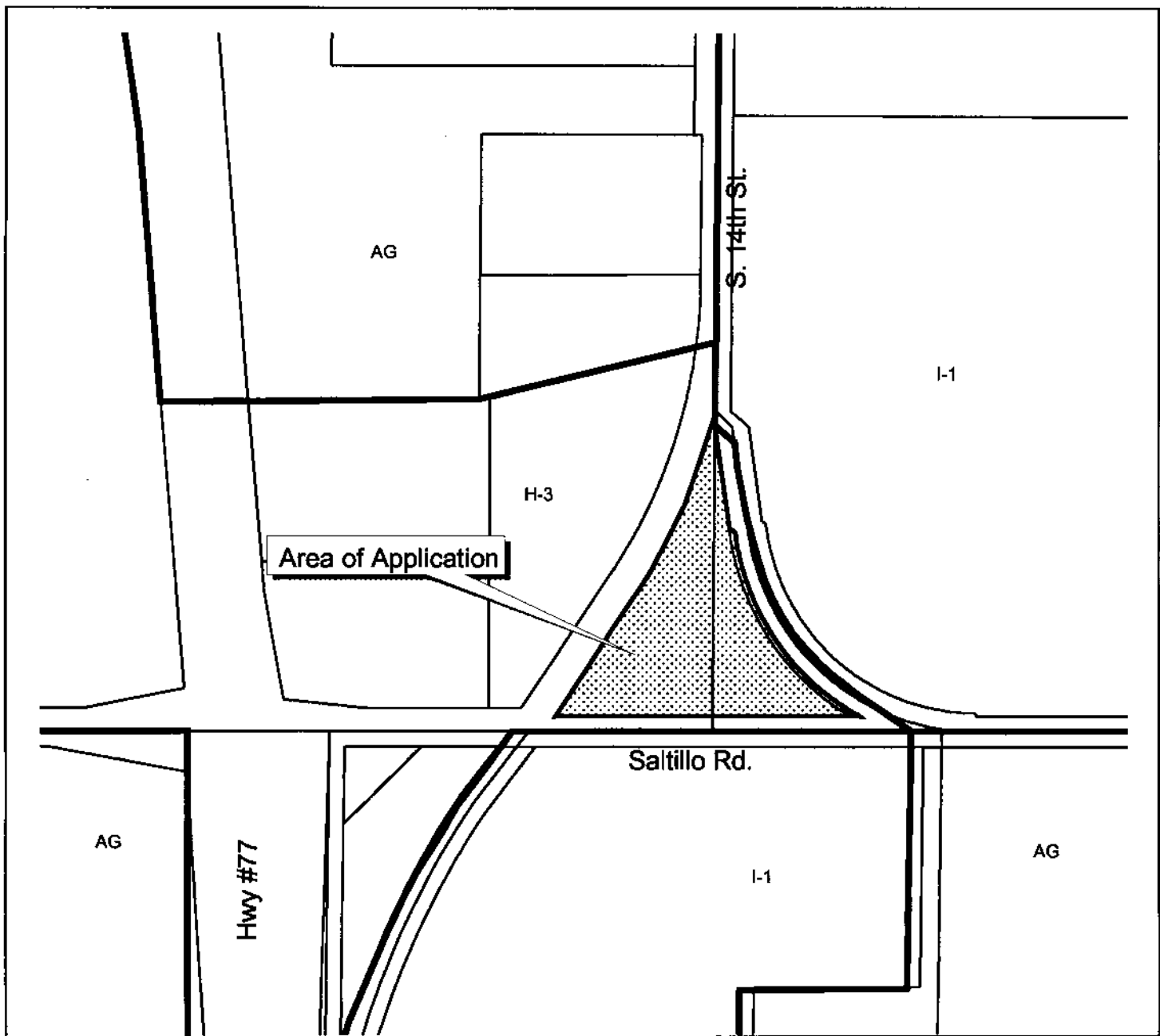
Note: This is final action on The Preserve on Antelope Creek 1st Addition Final Plat No. 02021, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days following the action by the Planning Commission.



**Special Permit #1980
S. 14th & Saltillo Rd.**



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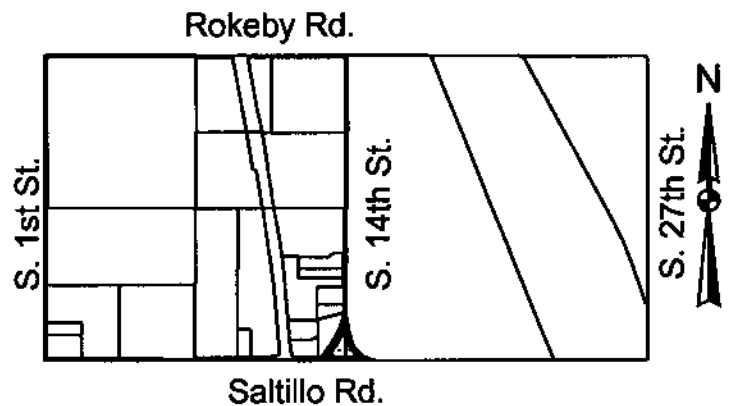
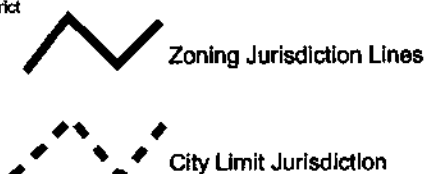


Special Permit #1980 S. 14th & Saltillo Rd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Two Square Miles
Sec. 35 T9N R6 E
36 T9N R6E



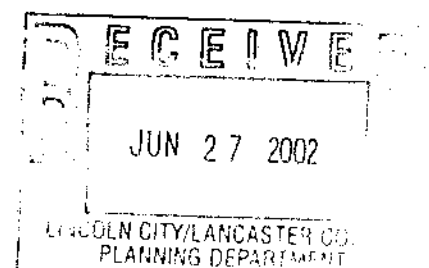
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EXHIBIT "A"

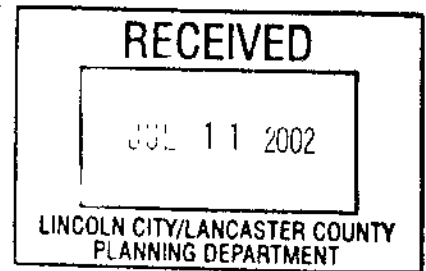
Parcel 1: Lot Five (5), Except the South 33 feet thereof; Lot Seven (7), Except the South 33 feet thereof and Lot Eleven (11), all in the Southeast Quarter of Section 35, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, together with one-half of the vacated road adjacent on the East.

Parcel 2: Lot Fifty-two (52), and that part of Lot Fifty-three (53), more particularly described as follows:

Beginning at a point on the West line of the Southwest Quarter of Section 36, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, said point being 650.57 feet, measured North 00 degrees 31 minutes 00 seconds East from the Southwest corner of said Southwest Quarter; Thence South 07 degrees 53 minutes 00 seconds East, a distance of 228.58 feet to a point of curvature; Thence Southeasterly along the arc of a curve to the left having a radius of 539.06 feet and a central angle of 51 degrees 53 minutes 00 seconds an arc distance of 562.97 feet to the point of ending on the South line of said Southwest Quarter, said point being 366.57 feet measured South 89 degrees 56 minutes 00 seconds East from the Southwest corner of said Southwest Quarter, together with one-half of the vacated road adjacent on the West.



PURPOSE STATEMENT



RE: SILVER SPOKE SALOON

PURPOSE: BAR/RESTAURANT

HOURS: 6 AM - 1 AM TUESDAY THRU SUNDAY

EMPLOYEES: 4-5

TRAFFIC: UNKNOWN

USAGE:

PRIMARILY SMALL BAR AND RESTAURANT

We are planning to open for breakfast. We will have a lunch special and burgers, sandwiches, etc. Other menu items will be mainly bar food and appetizers. Fridays, fish fries, or turkey fries. We plan to remain fairly small on the food part.

The bar will be on-sale and off-sale of beer only. We will have pool tables and a dart board.